

REMARKS

Claims 1-24 are pending in the application. Claim 11 has been amended, and claims 21-24 have been newly added. Reconsideration of the rejection and allowance of the pending application in view of the following remarks are respectfully requested.

As an initial matter, Applicant notes that the Examiner has not indicated that the drawings filed on December 21, 2004 are accepted. Applicant believes that the previously filed drawings to be acceptable and respectfully requests the Examiner to indicate such acceptance of the drawings in the next office communication.

In the Office Action, the Examiner rejected claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over Gauron (U.S. Patent No. 4,902,180) in view of Kann (U.S. Patent No. 2,415,695). Applicant respectfully traverses the rejection for at least the following reasons.

The present invention is directed towards an insert-nut for use with a carrier of a car, and towards a method for securing the insert-nut within an insert hole. The insert-nut of the present invention includes, inter alia, a polygonal shape defined by a plurality of sidewalls.

Gauron is directed towards a fastener element 70 that is secured within a cavity of a panel by injection molding. See Abstract. Gauron's fastener element 70 includes a pair of end portions 72, 74 interconnected by a stem 76. See Figure 15 and col. 5, lines 57-58. In the Office Action, the Examiner acknowledges that Gauron's fastener element 70 does not have a polygonal shape. However, the Examiner asserts that Kann teaches an insert nut of polygonal shape in order to secure the nut against turning, and further asserts that it would have been obvious to one of ordinary skill in the art to

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modify Gauron as taught by Kann in order to secure the fastener element 70 against turning. Applicant respectfully disagrees.

Kann is directed towards a clinch nut. Kann's clinch nut includes an extending prism portion 11 which has a cross section in the form of a hexagon. See Figure 1 and col. 2, lines 46-54. Kann discloses that the clinch nut is secured to a plate 14 by a riveting operation. See col. 3, lines 7-11. Kann discloses that the prism portion 11 has a hexagonal shape because a prism portion having less than six sides has a tendency to crack when riveted, and a prism portion having more than six sides does not have as good of a resistance against turning as a prism having a hexagonal shape. See col. 3, lines 18-30.

Applicant respectfully submits that one of ordinary skill in the art would not be motivated to combine the teachings of Gauron and Kann to arrive at the presently claimed invention. Applicant submits that Gauron's fastener element 70 and Kann's clinch nut are both structurally designed in association with their means of attachment, which are significantly different. Kann is directed towards riveting a threaded clinch nut to a plate, whereas Gauron is directed towards injection molding a fastener element in a cavity. Gauron's fastener element is sized to be snugly received in the cavity opening and flush with surfaces of the opening, and is not intended to be secured by a riveting operation, as taught by Kann. Since Gauron's fastener element is not secured by a riveting operation, Applicant submits that there is no motivation to modify Gauron's fastener element to have a polygonal shape to prevent undesired turning associated with a riveting operation.

Thus, Applicant respectfully submits that the combination of Gauron and Kann, in

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the manner asserted by the Examiner, fails to disclose or suggest an insert-nut for use with a carrier of a car which includes a polygonal shape defined by a plurality of sidewalls, as recited in independent claim 1.

Applicant also submits that the combination of Gauron and Kann fails to disclose or suggest a method for securing an insert-nut within a insert hole, where the insert-nut includes a polygonal shape defined by a plurality of sidewalls of the insert-nut, as recited in independent claim 8.

For at least these reasons, Applicant respectfully submit that the 35 U.S.C. § 103(a) rejection of independent claims 1 and 8 is improper, and request withdrawal of the rejection.

Dependent claims 2-7 and 9-20 are also submitted to be in condition for allowance for at least the reasons set forth above with respect to independent claim 1.

Newly added claims 21 and 23 recite that the polygonal shape of the insert-nut is substantially defined along the entire length of the insert-nut. Newly added claims 22 and 24 recite that the polygonal shape is uniformly sized throughout the length of the insert-nut. Support for these features can be found, inter alia, at page 5 of Applicant's specification. Applicant respectfully submits that the applied prior art fails to disclose or suggest these features. For at least these reasons, as well as the reasons set forth above with respect to independent claims 1 and 8, Applicant respectfully submits that claims 21-24 are allowable, and respectfully request an indication of such by the Examiner.

Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

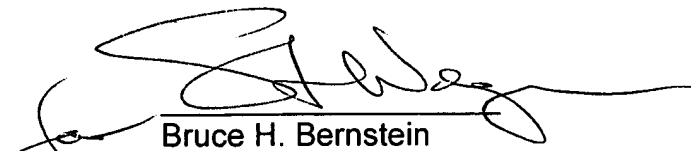
SUMMARY AND CONCLUSION

Entry and consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate. Applicant has made a sincere effort to place the present invention in condition for allowance and believes that he has now done so.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
II NAH

  
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